

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

STEVEN R. PHELPS,

Plaintiff,

v.

Case No. 3:23-cv-301-BJD-JBT

KIMBRELL (MAINTENANCE  
MAN/PLUMBER),

Defendant.

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**ORDER**

In a one-page letter (Doc. 20), Plaintiff asks that the Court refund his filing fee in this case and another (Case No. 3:22-cv-991-MMH-JBT). Plaintiff has not filed a proper motion for this Court's consideration. Under this Court's Local Rules, a party seeking relief must do so through a proper motion, not a letter. M.D. Fla. R. 3.01(a), (j). "A motion must include . . . a concise statement of the precise relief requested, a statement of the basis for the request, and a legal memorandum supporting the request." M.D. Fla. R. 3.01(a). *See also* Fed. R. Civ. P. 7(b) ("A request for a court order must be made by motion.").

Regardless of the facial insufficiency of Plaintiff's filing, the Court is aware of no Rule that would entitle Plaintiff to a refund of the filing fee, which he paid in full, simply because his action was dismissed. On the contrary,

under the United States Code, the clerk’s collection of a civil filing fee is dependent on the filing of an action, not its disposition: “The clerk . . . shall require the parties *instituting* any civil action . . . to pay a filing fee.” *See* 28 U.S.C. § 1914(a) (emphasis added). District courts generally deny requests for refunds of filing fees properly collected under § 1914(a). *See, e.g., Dominic v. Goldman*, No. 2:21-cv-394-SPC-NPM, 2021 WL 2376704, at \*1 (M.D. Fla. June 10, 2021) (“Fee-paying litigants are not entitled to refunds simply because a case is dismissed . . . .”); *Montoya v. Cap. One, N.A.*, No. 2:21-cv-11978, 2022 WL 957548, at \*1 (E.D. Mich. Mar. 29, 2022) (citing cases and explaining that the “Judicial Conference of the United States ‘has a longstanding policy prohibiting the refund of fees’”).

Accordingly, Plaintiff’s request for a refund of the filing fee (Doc. 20) is **DENIED**.

**DONE AND ORDERED** at Jacksonville, Florida, this 11th day of October, 2023.



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BRIAN J. DAVIS  
United States District Judge

Jax-6  
c:  
Steven R. Phelps, #S30369